

RESPONSE BY CHESHIRE EAST COUNCIL TO THE CONSULTATION DRAFT ON THE NATIONAL PLANNING POLICY FRAMEWORK

General Comments

Cheshire East Council welcomes the consolidation and simplification of the national planning policy and guidance. Over successive years the planning system has grown too cumbersome and we welcome the opportunity to redress this balance.

The Council also supports the presumption in favour of sustainable development – and the concept that development should be viewed as a positive, necessary and beneficial contributor to a successful society. In particular we are keen to dispel the creeping cultural aversion to development – and are pleased that the Framework adopts a pro-active approach to building and development.

However, the Council also has some concerns about the approach set out in the draft NPPF

Local Context

Cheshire East Council is a unitary authority established in April 2009. The Borough has a population of 360,000 and is located to the south west of Manchester. Since its inception the Council has worked closely with stakeholders to develop a new and very positive approach to the future planning of the Borough. We have adopted our Sustainable Community Strategy entitled “Ambition for All”. As its name suggests this sets out a clear vision and ambitious strategy for the future growth and improvement of the Borough.

We are now moving forward rapidly with the preparation of our local plan which is to be strongly focused on delivering the economic growth that the Borough needs and can offer. We have been mindful of the need for a comprehensive programme of community engagement to ensure that we fully appreciate the needs of each town and the opportunities and constraints available. This programme is currently underway through our Place Shaping consultation.

We are following this by working closely over the next three months with four of our market towns which have been awarded Neighbourhood Planning vanguard status in the preparation of plans for each of these towns to shape the vision, strategy and proposals to deliver their future growth. The town councils and partnerships of these towns have been very supportive of the new approach to work closely with the Borough Council to develop the plan to steer the future development of their towns.

All four of these towns are attractive locations for economic and housing growth, indeed many proposals have been put forward by potential developers for consideration within the local plan on sites within and around these towns. The Council has been working closely with developers and landowners to assess the potential sites and to bring together development options that would help to deliver the employment, housing, community and infrastructure requirements of each town.

It has to be recognised that the preparation of a new local plan by a new authority will take time, particularly as in the case of Cheshire East we are seeking to change from the former authorities' restricted approach to development to a more pro-active one. We are looking at how we can streamline our approach whilst ensuring that we comply with legal requirements so as to avoid any risk of failure at the examination or of a legal challenge.

So far, we have been working successfully through the process with the support of prospective developers. To help ensure that we have an adequate supply of housing land in the period until the local plan is adopted, Cheshire East Council has introduced interim measures to control the release of sufficient land to meet the housing needs of the Borough in the short term.

The Role of Existing plans

Our first concern relates to the role of existing plans and the way the presumption in favour of sustainable development is currently drafted. Currently we rely for the majority of planning decisions on Local Plans dating from the past decade. Whilst all have a formal lifetime which ended earlier this year many of their policies and provisions remain relevant to the Borough as it now is – and will be for some time to come.

The Council is, therefore, very concerned that the stance set out in the draft NPPF para 26 which states the local planning authorities should “***grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date***”, This risks leaving a ‘policy void’ which will undermine public confidence in the whole system. It is understood that the NPPF deliberately does not prescribe what is an ‘up to date’ Local Plan so as to allow for local circumstances and variations. However it would be helpful if it had more to say on this – and particularly made the point that ‘old’ local plans need not automatically be considered as out of date

The Favourable Presumption and Plans under preparation

Our second concern relates to the impact that the NPPF will have on plans under preparation. All agree that an up to date adopted Local Plan is highly beneficial. However there is a risk that the current wording of the NPPF is likely to de-rail the preparation of the local plan. Since the publication of the draft NPPF, many developers have indicated that they are considering whether to submit planning

applications for their proposals on a variety of sites outside current settlement boundaries in advance of the adoption of the local plan.

The current wording of the NPPF would leave the local planning authority or the planning inspectorate little option but to grant permission for many of these proposals, thus undermining our approach to plan making especially with regard to creating an effective development strategy and the coordination of much needed infrastructure.

Such an approach would without doubt raise significant local opposition at a time when we are endeavouring to build support from local communities to a plan led approach to determining the growth strategy for our towns. Furthermore, ad hoc planning decision making in this manner will prevent us from drawing up a properly considered approach to planning the infrastructure needs of community and threaten the development of our approach to the Community Infrastructure Levy.

As a Council we are eager to provide the development necessary to support economic prosperity – but this prosperity will only succeed if it comes forward at the right place and the right time. Perhaps incorrectly, the NPPF is being seen as a reason to grant permission more widely – and at almost any price.

We feel that this impression can be overcome if the NPPF strengthened and clarified its definition of sustainable development – and also if there was recognition for both the role of existing local plans, the work that may be ongoing to create a new Local Plan and any interim measures democratically approved which bridge the gap between the two.

Cheshire East Council therefore strongly opposes the approach that permission should be granted for development where the adopted plans are not in conformity with the NPPF. Account should be taken of any interim measures that local planning authorities have adopted to manage development and pay greater heed to existing plans.

Detailed comments on specific paragraphs are set out below:

NPPF para	Cheshire East Council Comment
9- 18	<p>Delivering Sustainable Development</p> <p>The underlying principle that the purpose of the planning system is to contribute to the achievement of sustainable development is supported. However, there are concerns that the very strong position taken in the NPPF within the presumption in favour of sustainable development will no doubt lead to arguments, appeals and legal challenges about the interpretation of the term “sustainable development” and whether a development is or is not considered to be sustainable.</p> <p>It is acknowledged that economic considerations have for too long been ignored and therefore merits much greater prominence. However the current wording risks over stating the economic case to the detriment of the social and environmental considerations. The balance can and should be restored - but we will simply repeat past mistakes if there is over emphasis of one consideration over the other two.</p> <p>There is a conflict between para 14 second bullet and section 70(2) of the Town and Country Planning Act which refers to decisions on planning applications “<i>having regard to the provisions of the development plan, so far as material to the application, and to any other material consideration</i>”. This enable normal consideration to be given to a wide range of guidance in making development management decisions.</p>
17	<p>Neighbourhood Planning</p> <p>Support stance on neighbourhood plans, in particular that they must promote and not restrict development</p>
19	<p>Core Planning Principles</p> <p>These are generally supported, however, the following points are of concern: The 2nd bullet point should be more focused on striking a balance between delivering development in the most suitable locations, ensuring that the necessary infrastructure is provided and that it is designed to be of a high standard so as to create places where people want to work and live and thereby be attractive to investment.</p> <p>The 5th bullet on protecting and enhancing environmental assets is considered to be too weak. Development should definitely be located in areas of poorer environmental quality; this is part of ‘sustainability’.</p> <p>The core planning principles fail to make any reference to planning to address climate change or moving to a low carbon economy.</p>
21	<p>Supplementary Planning Documents</p> <p>We oppose the limitation on SPD’s set out in this paragraph. SPD’s by definition must conform to the adopted Local Plan – and so cannot impose any additional burdens. However clear and well prepared SPD’s can do much to explain policies and clarify them – to the benefit of all concerned.</p>

	SPD's can also have a particular role in articulating a communities local vision for its area – most especially through village design statements and related documents
26	Conformity of Local Plans to the NPPF This is going to introduce more uncertainty and delays into the plan making process for those authorities who have recently adopted Local Development Frameworks and those in the process of preparing new plans.
39	Ensuring viability and deliverability The NPPF sets out a requirement to demonstrate that sites should be deliverable and that their viability is not threatened by planning obligations and policy burdens. It is considered that this requirement should be amended to make it clear that this should relate to “ <i>normal market conditions</i> ”.
73-75	Economic Development Support the approach to supporting economic development. However, there is conflict between paras 73 and 75. If land is not safeguarded it will be snapped up for other high value uses and there will be insufficient land available for business. There should be a proportionate safeguarding of land such that realistic provision is made for the future. Unless land and buildings are reserved for business development we will be unable to take advantage of investment opportunities when they arise.
76 - 80	Town Centres Support the stance on town centres. However, it is considered that paragraph 78 is too weak – there should be more unequivocal support for town centres
81	Rural Economy There should be a clearer and stronger stance to the protection of the countryside – it is the unspoilt attractiveness of the countryside that sustains the tourist industry. People visit rural areas outside of national parks and AONBs for their natural beauty and this should be recognised.
107 - 108	Housing Support overall objectives on housing; however, the NPPF should be clear that the release of major sites on green field land should only be through a plan-led allocation where the implications of the development for the local community and the infrastructure needed to support the development can be properly planned for.
109	Increase Housing Supply The Council recognises the importance of providing sufficient housing – to meet local needs and support economic growth. In that regard we support the policy to maintain a rolling 5 year supply of housing land. However the introduction of an additional allowance of at least 20% is

	<p>opposed as it unnecessarily complicates the position and makes it harder to explain land supply to the public at large – a task that is not always easy at the best of times. In our experience it is the availability of finance rather than lack of competition that constrains housing supply.</p> <p>There is also a risk that this provision may lead to local authorities seeking to plan for a lower housing requirement figure. The requirement that local plans should ensure that there is an adequate supply of developable sites for years 6-10 years should ensure that sufficient sites are allocated and are capable of being brought forward for development as and when required. Reference should be added to this paragraph about the need to monitor and manage the release of housing land to ensure that there is an adequate supply of deliverable sites.</p> <p>The current position on maintaining a supply of ‘deliverable’ sites is especially difficult in a recession and takes no account of current restrictions on finance. There needs to be more balanced in the approach to maintaining housing land supply. It needs to be recognised that current limits on the delivery of housing is not primarily due to a lack of deliverable sites, but rather the uncertainties of the financial markets.</p> <p>Consequently we would encourage a rewording of footnote 5 on page 30. For the most part this sensibly indicates that the five year supply has to be based on sites which reasonably can come forward in that time. The difficulty comes in the reference to ‘current values’. If these are severely depressed then in fact it may prove nigh on impossible to provide a 5 year supply. It would be preferable to rely instead on a sensible and proportionate judgement of likely values over the 5 year period.</p>
110	<p>Increase Housing Supply</p> <p>This paragraph should be redrafted to strike a better balance between delivering development in the most suitable locations, ensuring that the necessary infrastructure is provided and that it is designed to be of a high standard so as to create places where people want to work and live and thereby be attractive to investment.</p> <p>The NPPF should be clear that the release of major housing sites on green field land should only be through a plan-led allocation where the implications of the development for the local community and the infrastructure needed to support the development can be properly planned for.</p>
123	<p>Outdoor Advertising</p> <p>There needs to be stronger control on outdoor advertising outside of towns as they can result in significant impact on the appearance of the countryside. One of the cherished characteristics of the English countryside is the absence of hoardings and bill boards that sadly blight the periphery of towns and villages elsewhere. The current wording is too permissive; it could be strengthened without detriment to business activity.</p>
133 -	<p>Green Belts</p>

147	<p>We welcome the guidance on Green Belts within the NPPF. Whilst in some respects the length of the guidance is considerably longer than is devoted to other subjects, this is justified by the particular issues that green belt poses. Almost by definition these areas possess significant development pressures which often require complex judgements of impact to be made. Accordingly it is appropriate that the NPPF has detailed guidance on the topic.</p>
163-167	<p>Natural Environment</p> <p>This section is not comprehensive enough. The landscape section only refers to National Parks and AONBs. The vast majority of the English Countryside is neither green belt nor covered by one of these designations.</p> <p>There should be recognition of the need to protect the countryside for its environmental, cultural and economic value and to ensure that the landscaping and design of any development in the countryside respects the recognised landscape character.</p> <p>We acknowledge that in order to meet development needs that greenfield sites will need to be built on and that not all countryside can be protected. However the Framework does not say enough about the more profound rural areas in particular. Reference in paragraph 24 to areas of protection is too obscure. The Countryside contributes enormously to the attractiveness of our nation – both as a place to live - but also as a place to visit and invest in. The Countryside has economic as well as merely scenic value. We would therefore encourage a more positive statement within the NPPF about the role of Countryside – and this can be drafted so as not to be an obstruction to each and every Greenfield development.</p> <p>Whilst the reduction in the amount of prescriptive national planning policy guidance is welcomed, there are concerns about the loss of much valued guidance on the approach to planning to safeguard and enhance environmental and heritage assets. This guidance has ensured that local authorities apply a common approach to safeguarding and enhancing these assets of international and national importance. There is a concern that without this guidance, local authorities will have to develop their own local approaches which will mean that developers will have a plethora of differing approaches to take account of in preparing their proposals.</p> <p>As a constituent Authority of the Peak District National Park the Council is concerned to ensure that the special character of Peak District and other National Parks is adequately maintained. The normal favourable presumption may not be compatible with the statutory purposes of the National Parks – and requires at the very least strict clarification of what constitutes ‘sustainable development’ in the peculiar context of a National Park.</p>

176 - 191	<p>The Historic Environment</p> <p>The Recent Publication of PPS5 has already slimmed down guidance on the historic environment – and the NPPF has reduced it still further to the extent that strength of the previous advice is substantially enfeebled.</p> <p>The historic environment is a unique national asset– which once lost cannot be replaced. We submit that it deserves more attention than it is currently afforded within the NPPF</p>
	<p>Omissions</p> <p>There is no reference to:</p> <p>Monitoring the effectiveness of local plans</p> <p>Promoting the reuse of previously developed land and redeveloping older urban areas for new uses</p>

SPD's